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|   |                        |                  |
|---|------------------------|------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/726,734       |
|   | Filing Date            | December 3, 2003 |
|   | First Named Inventor   | Rudolf et al.    |
|   | Art Unit               | 2681             |
|   | Examiner Name          | Not Yet Known    |
| Total Number of Pages in This Submission  | Attorney Docket Number | I-2-0444.1US     |

| ENCLOSURES (Check all that apply)   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC  |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)   |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):   |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer                              | Communication Re Favorable IPER By IPEA/US In Corresponding International Application; Copy of IPER; Copy of Claims As Published in PCT Application |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> Request for Refund                               |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD                            |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                        |                 |
|--|------------------------|-----------------|
| Firm Name                                  | VOLPE AND KOENIG, P.C. |                 |
| Signature                                  |                        |                 |
| Printed name                               | Steven J. Gelman       |                 |
| Date                                       | December 7, 2004       | Reg. No. 41,034 |

| CERTIFICATE OF TRANSMISSION/MAILING   |                  |                       |
|---|------------------|-----------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |                  |                       |
| Signature   |                  |                       |
| Typed or printed name   | Steven J. Gelman | Date December 7, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Rudolf et al.

**Application No.:** 10/726,374

**Confirmation No.:** 7140

**Filed:** December 3, 2003

**For:** RELIABILITY DETECTION OF  
CHANNEL QUALITY INDICATOR (CQI)  
AND APPLICATION TO OUTER LOOP  
POWER CONTROL

**Group:** 2681

**Examiner:** Not Yet Known

Our File: I-2-0444.1US

Date: December 7, 2004

**COMMUNICATION RE FAVORABLE IPER BY  
IPEA/US IN CORRESPONDING INTERNATIONAL APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is to advise the Examiner of the favorable International Preliminary Examination Report (IPER) issued by the United States Patent and Trademark Office acting as International Preliminary Examination Authority in a corresponding international application. A copy of the IPER is enclosed.


The original PCT claims correspond to the claims in this U.S. application. A copy of the approved claims as published is also enclosed.

**Applicant:** Rudolf et al.  
**Application No.:** 10/726,374

In view of the fact that PCT claims 1-36 have all been found to meet the international standards of patentability, prompt examination and allowance are respectfully requested.

Respectfully submitted,

Rudolf et al.

By   
Steven J. Gelman  
Registration No. 41,034  
(215) 568-6400

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SJG/slp  
Enclosures (2)

## PATENT COOPERATION TREATY

NOV 08 2004

PCT/US/03/38243, PG.

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
STEVEN J. GELMAN  
VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

**PCT**

NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

**05 NOV 2004**

Applicant's or agent's file reference

I-2-0444.1WO

**IMPORTANT NOTIFICATION**

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/38243

02 December 2003 (02.12.2003)

04 December 2002 (04.12.2002)

Applicant

INTERDIGITAL TECHNOLOGY CORPORATION

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

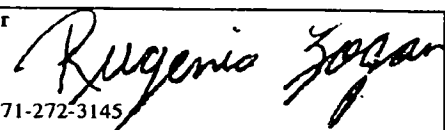
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P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Raj Jain

Telephone No. 571-272-3145



Form PCT/IPEA/416 (July 1992)

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|   |   |  |
|---|---|--|
| Applicant's or agent's file reference<br><b>I-2-0444.1WO</b>  | <div style="display: flex; justify-content: space-between;"> <div> <b>FOR FURTHER ACTION</b> </div> <div>                         See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)                     </div> </div> |  |
| International application No.<br><b>PCT/US03/38243</b>  | International filing date (day/month/year)<br><b>02 December 2003 (02.12.2003)</b>  | Priority date (day/month/year)<br><b>04 December 2002 (04.12.2002)</b> |
| International Patent Classification (IPC) or national classification and IPC<br><b>IPC(7): H04L 23/02 and US Cl.: 375/262, 265, 325, 370/310,</b>   |   |  |
| Applicant<br><b>INTERDIGITAL TECHNOLOGY CORPORATION</b>   |   |  |
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>   </u> sheets.</p>  |   |  |
| <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul> |   |  |
| Date of submission of the demand<br><b>22 June 2004 (22.06.2004)</b>  | Date of completion of this report<br><b>20 October 2004 (20.10.2004)</b>  |  |
| Name and mailing address of the IPEA/US<br>Mail Stop PCT, Attn: IPEA/US<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, Virginia 22313-1450<br>Facsimile No. (703) 305-3230   | Authorized officer<br><div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> <b>Raj Jain</b><br/>                         Telephone No. 571-272-3145                     </div> </div>   |  |

Form PCT/IPEA/409 (cover sheet)(July 1998)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/38243

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☒ the description:  
pages 1-13 as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages 14-19 as originally filed  
pages NONE, as amended (together with any statement) under Article 19  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
pages 1-5 as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages NONE as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☒ The amendments have resulted in the cancellation of:**

- ☒ the description, pages none
- ☒ the claims, Nos. none
- ☒ the drawings, sheets/fig none

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US03/38243**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

|                               |                    |     |
|-------------------------------|--------------------|-----|
| Novelty (N)                   | Claims <u>1-36</u> | YES |
|                               | Claims <u>None</u> | NO  |
| Inventive Step (IS)           | Claims <u>1-36</u> | YES |
|                               | Claims <u>None</u> | NO  |
| Industrial Applicability (IA) | Claims <u>1-36</u> | YES |
|                               | Claims <u>NONE</u> | NO  |

**2. CITATIONS AND EXPLANATIONS**

Claims 1-36 meets the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a communications system for providing for receiving and decoding of Channel Quality Indicator (CQI) messages as well as creating a decision metric for each symbol in the CQI message.

----- NEW CITATIONS -----

NONE